



DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Agency Information Collection Activities; Comment Request; Miner's Claim for Benefits under the Black Lung Benefits Act CM-911 and Employment History CM-911a

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is soliciting comments concerning a proposed revision to the information collection request (ICR) titled, "Miner's Claim for Benefits under the Black Lung Benefits Act CM-911 and Employment History CM-911a". This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free by contacting Anjanette Suggs by telephone at 202-354-9660 or by email at suggs.anjanette@dol.gov

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Office of Workers' Compensation Program, Division of Coal Mine Workers' Compensation, Room S3323, 200 Constitution Avenue, N.W., Washington, D.C. 20210; by email: suggs.anjanette@dol.gov.

FOR FURTHER INFORMATION CONTACT: Contact Anjanette Suggs by telephone at 202-354-9660 or by email at suggs.anjanette@dol.gov

SUPPLEMENTARY INFORMATION: The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

The Black Lung Benefits Act (BLBA), (30 U.S.C. 901 et seq.) provides benefits to coal miners who are totally disabled due to pneumoconiosis (black lung disease) and to certain survivors of miners. Miners entitled to benefits also receive medical benefits for treatment related to their pneumoconiosis and resulting disability. A miner who applies for black lung benefits must complete the CM 911 (application form). The completed form gives basic identifying information about the applicant and is the beginning of the development of the black lung claim. 20 CFR 725.304(a) authorizes this information collection. The CM-911a, when completed, provides a complete history of the miner's employment and helps to establish whether the individual currently or formerly worked in the nation's coal mines and how long that employment lasted. 20 CFR 725.404(a) authorizes this information collection. This information collection is currently approved for use through April 30, 2025. In addition, the proposed CM-911a combines the current CM-911a and the current CM-913 (Description of Coal Mine Work and Other Employment). When a miner has been identified as having performed non-coal mine work subsequent to coal mine employment, the miner or the miner's survivor is asked to complete a CM-913 to compare coal mine work to non-coal mine work. This employment information, along with medical information, is used to establish whether the miner is totally disabled due to black lung disease caused by coal mine employment.

The Black Lung Benefits Act, 30 U.S.C. 901 et seq., and 20 CFR 718.204(b)(1) authorize this information collection. If proposed CM-911a is approved, DOL plans to discontinue the current CM-913. This change would eliminate the burden on the respondents from having to complete two separate employment forms and allow them to complete just one form instead. This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB under the PRA approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Written comments will receive consideration, and summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention 1240-0038.

Submitted comments will also be a matter of public record for this ICR and posted on the Internet, without redaction. The DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

The DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.

- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL-OWCP-DCMWC.

Type of Review: Revision.

Title of Collection: Miner's Claim for Benefits under the Black Lung Benefits Act and Employment History.

Form: CM-911 and CM-911a.

OMB Control Number: 1240-0038.

Affected Public: Individuals or households.

Estimated Number of Respondents: 10,020.

Frequency: As needed.

Total Estimated Annual Responses: 10,020.

Estimated Average Time per Response: 45 minutes—CM-911 and 60 minutes—CM-911a.

Estimated Total Annual Burden Hours: 8,768 hours.

Total Estimated Annual Other Cost Burden: \$2,315.

AUTHORITY: 30 USC 901 Black Lung Benefits Act.

Dated: June 7, 2023.

Anjanette Suggs,

Agency Clearance Officer.

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